

STATESVILLE, N.C.
MAR 7 2006
U.S. DISTRICT COURT
W.D. DIST. OF NC

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA) DOCKET NO. 5:05CR220-V

v.

KENNETH WAYNE GRAGG)

) QUESTIONS SUBMITTED BY THE
) UNITED STATES FOR
) CONSIDERATION IN THE
) VOIR DIRE OF PROSPECTIVE
) JURORS

NOW COMES the United States of America, by and through Gretchen C.F. Shappert, United States Attorney for the Western District of North Carolina, and hereby submits to the Court for its suggestions and questions for the voir dire proceedings of the prospective jurors in this cause:

I. Introductory Statement by the Court

The United States respectfully moves the Court to generally instruct the entire venire prior to the jury selection in this Court's customary fashion with regard to the general purpose for the voir dire of prospective jurors (reflecting the change, of course, that the Court is conducting the voir dire), and explaining to the jurors the normal sequence for conduct of the trial. The United States further respectfully requests the Court to generally instruct the entire venire prior to the jury selection as follows:

[Please read aloud the Bill of Indictment herein.]

1. Do you know anything about this case other than what you have heard in this court today?
2. Do you know the defendant in the case, KENNETH WAYNE GRAGG, or any member of his family?

3. The defendant is represented by David Burgess, Esq. Do you know Mr. Burgess, or have you or any member of your family had any dealings with his law practices?

4. The United States is represented in this matter by Gretchen C.F. Shappert, United States Attorney from Charlotte, North Carolina. Seated at counsel table with Ms. Shappert is Lieutenant David Ramsey of the Iredell County Sheriff's Department. Do you know either of these individuals?

5. The potential witnesses for the defendant are as follows: [Please read the names of potential witnesses for the defendant]. Do you know any of these potential witnesses? [If so, how?]

6. Do you understand that the government's burden of proof in this case is not proof beyond ALL Doubt and is not proof Beyond a Shadow of a Doubt, but, instead, the burden of proof in a criminal matter is correctly defined as Proof Beyond a Reasonable Doubt?

7. [If not fully and clearly indicated on the jury list provided to counsel:]

Where do you live?

Where is that . . . in what county? Are you a native of that county?

8. How long have you lived there?

[By juror . . . unless clearly noted on the jury list provided to counsel:]

9. What is your occupation?

10. What does your spouse do for a living?

For whom?

11. How long have you been in your present job?

12. What positions have you held before?

[If unemployed . . .] What was your most recent occupation?

How long?

[If retired . . .] How long have you been retired?

What was your most recent position and job description?

13. What is your education background, including the last level (grade) ever completed?

14. Have you ever served on a jury before?

[By juror] How often?

When?

Where?

In what type of case (civil or criminal)?

15. [By juror] Were you able to reach a verdict in the cases that you sat on as a juror?

16. Setting aside any prior jury service, have you ever participated in any lawsuit as a party, as a defendant in any criminal case, or have you ever participated as a witness in any lawsuit?

17. Do any of you have any religious or moral scruples against sitting as a judge of the facts of this case, that is, in determining whether this defendant has committed a crime or crimes?

18. Have any of you ever had a "bad" or unpleasant experience with any law enforcement officer such that it might affect your ability to be fair in the trial of this matter?

19. Has anyone close to you, such as a friend or relative, had any run-ins, difficulty, or disagreement with law enforcement?

20. Have you, or any anyone close to you, such as a friend or relative, had any run-in, difficulty, or disagreement with any governmental agency or with government in general?

What was its nature?

Were you satisfied with the outcome or resolution?

21. As a juror, you will be required to take an oath that neither sympathy nor prejudice will affect the outcome of your verdict. Can you remain impartial in judging the evidence and follow the instructions and laws of the Court and not allow sympathy for or against the government, or sympathy for or against the defendant, to influence your verdict? If you can remain impartial and give the defendant and the government a fair trial, please raise your hand.

22. Would any of you have difficulty considering the testimony of witnesses who have entered into plea agreements?

24. Have any of you ever been a member of an organization that have advocated the

legalization of drugs?

25. Have any of you had a close friend or a family member who has had a problem with drugs or alcohol? Do you think that this would affect your ability to be fair and impartial in this case?

26. Does any member of the prospective jury have problems or concerns with the laws that regulate or prohibit the ownership or possession of firearms?

27. Does any member of the prospective jury belong to the National Rifle Association?

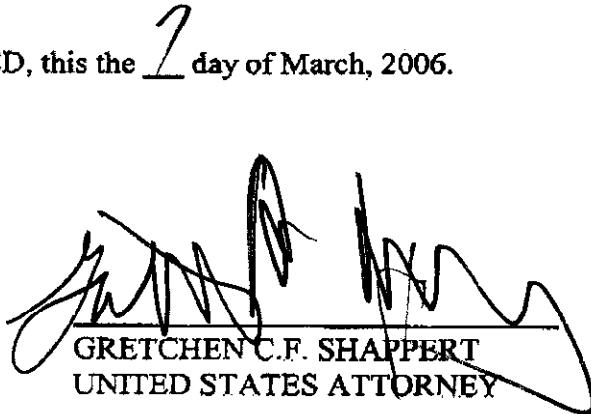
28. Has any member of the prospective jury served in the military?

29. Has any member of the prospective jury served in the military? If yes, what type of weapons training and use did you have?

30. Are you willing and able to follow the Court's instructions and apply the law as the court gives it to you even if you do not personally like that law?

31. Is there any reason that you could not be a completely fair and impartial juror in the trial of this case?

RESPECTFULLY SUBMITTED, this the 7 day of March, 2006.



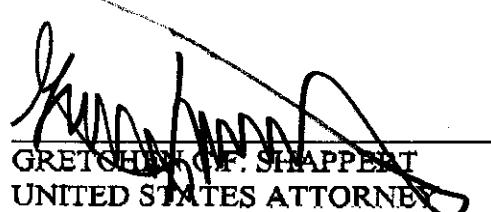
GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the defendants herein by hand-delivering copies thereof to their attorneys of record, as follows:

David Burgess, Esq.
101 North McDowell Street
Suite 216
Charlotte, North Carolina 28204

This the 7 day of March, 2006


GRETCHEN F. SHAPPERT
UNITED STATES ATTORNEY